

**State of California
Office of Administrative Law**

In re:
**Department of Corrections and
Rehabilitation**

Regulatory Action:

Title 15, California Code of Regulations

Adopt section: 3999.25

Amend sections:

Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

**Government Code section 11343.8; and
Penal Code section 5058.1**

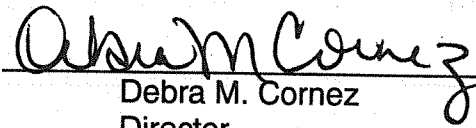
OAL Matter Number: 2018-1023-07

OAL Matter Type: File and Print Only (FP)

This action by the Department of Corrections and Rehabilitation adopts section 3999.25 as a pilot program for the contraband interdiction program. This filing is exempt from chapter 3.5 of part 1 of division 3 of title 2 of the Government Code pursuant to Penal Code section 5058.1 and is not subject to review by the Office of Administrative Law. This action is effective on filing with the Secretary of State pursuant to Penal Code section 5058.1 and remains in effect for two years.

OAL filed this regulation(s) or order(s) of repeal with the Secretary of State, and will publish the regulation(s) or order(s) of repeal in the California Code of Regulations.

Date: November 1, 2018


Debra M. Cornez
Director

Original: Ralph Diaz, Acting Secretary
Copy: Sarah Pollock

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE
NUMBERS

NOTICE FILE NUMBER

Z-

REGULATORY ACTION NUMBER

2018-10-23-07FP

EMERGENCY NUMBER

For use by Office of Administrative Law (OAL) only

2018 OCT 23 P 3:38

OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

ENDORSED - FILEDIn the office of the Secretary of State
of the State of California

NOV 01 2018

1:37 PM

AGENCY WITH RULEMAKING AUTHORITY

California Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (if any)

18-0263

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | | | | |
|--|--|--|--|------------------------|--|-------------------------------|--|
| 1. SUBJECT OF NOTICE | | TITLE(S) | | FIRST SECTION AFFECTED | | 2. REQUESTED PUBLICATION DATE | |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER | | FAX NUMBER (Optional) | |
| OAL USE ONLY | | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | | PUBLICATION DATE | |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | | | |
|--|--|--|--|
| 1a. SUBJECT OF REGULATION(S) Contraband Interdiction Program | | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) | |
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) | | | |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | | ADOPT 3999.25 AMEND REPEAL | |
| TITLE(S) 15 | | | |
| 3. TYPE OF FILING | | | |
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute; <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input checked="" type="checkbox"/> File & Print <input checked="" type="checkbox"/> Other (Specify) Penal Code 5058.1 - Pilot Program <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only | | | |
| 4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) | | | |
| 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) | | | |
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) | | | |
| 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY | | | |
| <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) | | | |
| 7. CONTACT PERSON Sarah Pollock | | TELEPHONE NUMBER 916 445-2308 | |
| | | FAX NUMBER (Optional) | |
| | | E-MAIL ADDRESS (Optional) Sarah.Pollock@cdcr.ca.gov | |

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY
RALPH M. DIAZ, Secretary (A)

For use by Office of Administrative Law (OAL) only

AUTHORIZED FOR FILING AND PRINTING

NOV 01 2018

Office of Administrative Law

Adopt Section 3999.25 Contraband Interdiction Program – Pilot Program

State of California

Department of Corrections and Rehabilitation

Memorandum

Date : October 22, 2018

To : Associate Directors, Division of Adult Institutions
Wardens
Regional Health Care Executives
Chief Executive Officers

INSTRUCTIONAL MEMORANDUM

Subject: **CONTRABAND INTERDICTION PROGRAM AT THE CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY – PILOT PROGRAM**

The purpose of this memorandum is to announce the implementation of the California Department of Corrections and Rehabilitation (CDCR) Contraband Interdiction Program (CIP) Pilot Program at the California Substance Abuse Treatment Facility (SATF). The purpose of the CIP is to utilize a multi-layered approach to stop the introduction of contraband and drugs¹ into our institutions. By eliminating the flow of contraband into the prisons, the department creates safer environments for staff, inmates, and visitors. Inmates will be able to participate in rehabilitative programs (i.e., education, vocation, and substance use disorder treatment), which will help to prepare them for their release back into society. This memorandum defines staff responsibilities and establishes the parameters, equipment, and tools for administering the CIP.

The program shall: 1) deploy contraband interdiction devices (millimeter wave full body scanners and baggage/parcel X-ray scanners) at the front entrance areas; 2) employ a staffing complement to operate the devices; 3) expand canine teams to conduct enhanced institution searches and passive canine searches of vehicles entering onto state property or into the secured perimeter; 4) administer a Substance Use Disorder Treatment (SUDT) program to inmates with substance use disorders; and 5) implement a Mandatory Random Urinalysis Program (MRUP) at SATF.

The CIP Pilot Program is operating under the authority of California Penal Code Section 5058.1.

PILOT PROGRAM LOCATION AND DURATION

The CIP Pilot Program will be implemented at the California Substance Abuse Treatment Facility (SATF) at Corcoran.

¹ For purposes of this memorandum, the term drugs shall include, but is not limited to: narcotics, controlled substances, prescription medication belonging to another person, and cannabis.

The pilot program will be in effect for 24 months following approval by the Office of Administrative Law, and will expire by operation of law at the end of this period unless it is promulgated through the Administrative Procedure Act prior to expiration.

PROGRAM STRUCTURE

The Associate Director for the General Population (GP) Males Mission will have the responsibility and oversight for the CIP. Designated GP Males Mission staff will work with the institution to obtain the required equipment and applicable training for staff.

The CIP Pilot Program provides for the following strategies:

- Enhanced (24 hours per day/7 days per week) screening of employees, employees of other government agencies, contract employees, contractors and their employees, visitors, volunteers, and attorneys, at the front entrances.
- Enhanced² canine vehicle searches of employees, employees of other government agencies, contract employees, contractors and their employees, visitors, volunteers, and attorneys.
- Enhanced canine searches of the vehicle sally port and institution perimeter. The department's goal is to ensure a canine team is assigned or is available, during all operating hours, Monday through Friday.
- Conduct SUDT for those inmates that have been identified to be appropriate for this program.

The CIP Pilot Program strategies utilize the following additional resources:

- Two - millimeter wave full body scanners.
- Two - baggage/parcel X-ray scanners.
- Six - canine teams (comprised of Correctional Officers, canines, vehicles, and supplies).

The Warden at SATF has the overall responsibility for the implementation, operation, and development of a local operational procedure for the CIP. This overall responsibility includes staff training and ongoing monitoring of the program.

PROGRAM PROCEDURES

Front Entrance Device Scanning Strategies

² For purposes of this memo "enhanced canine searches" means canine vehicle searches of employees, employees of other government agencies, contract employees, contractors and their employees, visitors, volunteers, and attorneys, canine vehicle searches of vehicles entering the vehicle sally port, and canine searches in the following areas: housing units, classrooms, offices, buildings, incoming mail/packages, pedestrian sally ports, vocational/educational work areas, minimum support facilities, visiting areas (family and main), vehicle sally ports, and the institution perimeter for contraband drops, etc.

The strategies employed at the front entrances will be to utilize a millimeter wave full body scanner and a baggage/parcel X-ray scanner. Both technologies will be used 24 hours a day/7 days per week on employees, employees of other government agencies, contract employees, contractors and their employees, visitors, volunteers, and attorneys.

Millimeter Wave Full Body Scanner

The millimeter wave full body scanner is an ideal product for correctional institutions. It quickly scans an individual in 1.5 seconds using safe active millimeter wave radio frequency technology, is able to detect contraband under a stab-resistant vest, and eliminates time consuming and intrusive pat-downs while providing a quality and reliable image. The millimeter wave full body scanner quickly creates a 3-D black and white image of the subject being scanned. The system's imaging tools enable trained operators to locate a broad range of threats and contraband. Depending on the object size, location, and composition, the front entrance Correctional Officer will be able to locate many types of concealed weapons, contraband made of liquids, gels, plastics, powders, metals, and ceramics. The millimeter wave full body scanner offers advanced imaging with minimal health risks. The millimeter wave full body scanner does not use X-rays or ionizing radiation. Implementation of this new strategy will closely resemble that of the Transportation Security Administration (TSA) security protocols used in airports.

Baggage/Parcel X-Ray Scanners

The baggage/parcel X-ray scanners will be utilized to scan all items of employees, employees of other government agencies, contract employees, contractors and their employees, visitors, volunteers, and attorneys. Items shall include but are not limited to: bags, purses, parcels, lunch boxes, briefcases, backpacks, etc. Employees, contractors, and volunteers must be in compliance with the memorandum titled "Allowable Employee Property Policy" dated June 19, 2013, signed by Kathleen Dickinson, Director, Division of Adult Institutions (Attachment A). With the scanning technology in place, all incoming persons will be required to place their personal belongings into a bin, which will be processed through the baggage/parcel X-ray scanner, and then walk into the millimeter wave full body scanner, placing his or her feet on the foot silhouettes located on the floor of the device.

If a scanner indicates contraband is present, the person is subject to a further search in a more private setting. Searching of employees and contractors is authorized in California Code of Regulations (CCR), Title 15, Section 3410.1. Searching of visitors and volunteers is authorized in CCR, Title 15, Section 3173.2. CDCR employees, who are required to sign a Fair Labor Standards Act (FLSA) form as required per assigned duties, shall sign the FLSA form and utilize pay code "CIFE" to capture potential overtime caused by the search.

Canine Strategies

For this pilot program, SATF will have a total of eight canine teams; two existing permanent funded teams and an additional six teams that will be established on a limited term basis for this pilot program. Canine teams are an integral part of CDCR's interdiction strategies. Canine teams routinely search housing units, classrooms, offices, buildings, incoming mail/packages, pedestrian sally ports, vocational/educational work areas, minimum support facilities, visiting areas (family and main), vehicle sally ports, and the institution perimeter for contraband drops. Canine searches of institution perimeters significantly enhance staff's ability to uncover contraband drops, ultimately preventing inmates from locating the contraband and trafficking those items into the institutions.

Emergency vehicles (e.g., CDCR transportation vehicles, ambulances, fire trucks, etc.) entering institutional grounds shall not be subject to passive canine vehicle search protocols.

Passive Canine Vehicle Search Protocols

Only passive alert canines will be used for vehicle searches consistent with CCR, Title 15, Section(s) 3410.1 and 3410.2. Passive alert canines are trained to perform signals when they detect the presence of drugs or contraband. The signals include, but are not limited to, sitting or staring at the detected drugs or contraband. Canines will be positioned at the main vehicle entrance areas during high volume traffic periods (e.g., shift changes within the institution, and visiting days) to search vehicles entering institutional grounds. During these periods, it is not uncommon for hundreds of vehicles to enter the institution. During high traffic periods up to seven canine teams may be utilized. During low volume traffic periods, only one canine team will remain at the front entrance area to conduct random searches of incoming vehicles. Local police officers or other law enforcement officers shall not be involved in the search process and shall not be at the search location. The department may choose to videotape the vehicle being searched. Videotaping³ may be done for any legitimate operational purpose, which may include: maintaining the integrity of the Passive Canine Vehicle Search Program, documenting the discovery of any narcotics, or for future training purposes. At no time shall the driver or any passenger of the vehicle be subject to videotaping.

Canine Sally Port Searches

A canine team will also be scheduled at the vehicle sally port, or will be available to respond to the vehicle sally port in the event that a team is not scheduled at a certain time, to do a vehicle search of all vehicles entering through the vehicle sally port.

³ Postings indicating the potential for videotaping will be posted on the Visiting section of the SATF website and on posters clearly visible to entrants.

The department's goal is to ensure a canine team is assigned or is available, during all operating hours, Monday through Friday.

Passive Canine Vehicle Searches of Visitors - Procedures

Prior to beginning each passive canine visitor vehicle search operation, the Search Operations Commander or designee shall be responsible for determining if the search will be of all visitors entering an area, or only those selected on a random basis. Should the search area become backlogged for any reason, vehicles waiting to be searched may be released from inspection to insure search timeframes are adhered to. The random search pattern, if selected, shall not be altered unless approved by the Search Operations Commander or designee.

The canine handler shall inform visitors that he or she is conducting vehicle searches using passive alert canines and that the purpose of the search is to detect illegal drugs and contraband. Individuals shall be directed not to interact with the canine in any way.

No search of a vehicle shall take place without the written consent of the driver of the vehicle, unless reasonable suspicion exists, in which case consent is not required. Prior to an impending vehicle search, the driver of each vehicle shall be given written notice on a CDCR Form 1812, Consent to Conduct Canine Search of Vehicle, Person, and Property (Attachment B), in either English or Spanish. Instructions will also be provided verbally, using effective communication, describing the search to be conducted, the reasons for the search, and the consequences of finding drugs or contraband in the vehicle or on the person of a visitor on institutional grounds. The notice shall state clearly that the driver has the option to refuse the search. The driver will be advised that by exercising this right, the driver shall be required to remove his or her vehicle from institution property. The driver shall not lose the ability to visit on the same date as the search refusal, provided he or she returns without the vehicle. The visitor shall be informed that: (1) he or she does have the right to refuse the passive canine vehicle search, and (2) any visitor who refuses to be searched shall be denied contact visiting but may be authorized for a non-contact visit, if available, on that same day. All passengers of the vehicle retain the right to visit, regardless of consent or compliance by the driver to be searched, per CCR, Title 15, Section 3173.2.

The driver of the vehicle has the right to rescind previously given written consent at any time unless reasonable suspicion has been established (e.g., positive canine alert prior to rescission, discovery of drugs or contraband). Any rescission will be considered a refusal to search and the driver shall be required to remove his or her vehicle from institution property.

No vehicle shall be delayed more than ten minutes prior to being searched. Once the vehicle is directed to the search area, all occupants shall be instructed to exit the

vehicle. The driver shall be instructed to leave the vehicle keys on the roof of the vehicle and all occupants shall be instructed to place handbags, wallets, and all pocket contents in a box provided. The box shall be placed adjacent to the left front tire of the vehicle. All occupants of the vehicle will then be instructed to proceed to the corresponding recorder station, which shall be located in clear view of the vehicle and box and at least twenty feet from the vehicle. Each recorder station shall have a staff member who shall identify each person in the vehicle by name and document where they were sitting in the vehicle. In addition, the staff member at the recorder station will document the beginning and ending time of each vehicle search.

Once all visitors are at least twenty feet from the vehicle, the canine handler shall commence a search of the vehicle. Canines shall be kept no less than twenty feet from visitors at all times. In the case of an alert by the canine, the location of suspected narcotics or contraband shall be indicated to designated search team members. During the search, there shall be no reading of the visitors' personal belongings, such as letters, legal material, address books, or other writings which are in the possession of the visitors, and are not reasonably suspected of being contraband.

Passive canine searches of vehicles shall be limited to ten minutes per vehicle. Additional time may be permitted with the search of a larger vehicle (van, motor home, large truck, etc.) or in the case of a tired or distressed service dog. However, the total wait time for a passive canine vehicle search (which includes the canine vehicle search, and hand search of the vehicle) shall not exceed thirty minutes unless drugs or contraband are discovered.

Positive Canine Alert

If the canine alerts during the vehicle search, staff shall conduct a hand search of the vehicle for the purpose of locating drugs or contraband.

If no drugs or contraband are discovered in the vehicle, the driver and all occupants of the vehicle will continue processing into Visiting.

In instances where drugs or contraband are discovered in the vehicle or on the person of a visitor from the vehicle, all occupants of the vehicle, regardless of arrest status, shall be denied visiting privileges. Staff shall complete a CDC Form 887-B, Notice of Visitor Warning/Termination/Suspension/Denial/Revocation (Attachment C), in either English or Spanish. This form will specify the reason for the denial of visiting and period(s) for which the denial or suspension are in effect.

Arrests/Citations/District Attorney Referral

Individuals who are searched and found in possession of drugs or contraband are subject to arrest as identified in CCR, Title 15, Section 3173.2(c)(3)(C). If an

arrest is initiated, those arrested, along with the drugs or contraband that was discovered shall be turned over to the institution's Investigative Services Unit (ISU). ISU Staff shall maintain proper chain of custody for all drugs and contraband.

Once the pre-booking process (Miranda warning, interviews) has been completed by designated CDCR staff, the arrestee(s) shall be transported by CDCR personnel or by the local police or sheriff's department to a designated detention facility. Arrestee(s) shall not be held at the pre-booking area beyond a reasonable amount of time necessary to complete the process.

The decision to arrest, issue citations, or refer visitors found in possession of drugs or contraband to the District Attorney rests with the ISU Lieutenant or Search Operations Commander. In all cases where a visitor is arrested or issued a citation for committing a criminal act while on institution property, a copy of CDCR Form 837-A, Crime/Incident Report Part A – Cover Sheet (Attachment D), any arrest reports, and any staff reports documenting the arrest, will be forwarded to the local District Attorney's office, in accordance with existing departmental procedures.

Passive Canine Vehicle Searches of Employees, Employees of other Government Agencies, Contract Employees, Contractors and their Employees, Volunteers, and Attorneys - Procedures

Prior to beginning each passive canine vehicle search operation with employees, employees of other government agencies, contract employees, contractors and their employees, volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia, the Search Operations Commander or designee shall be responsible for determining if the search will be of all vehicles entering onto institutional property or only those selected on a random basis. Vehicles delayed more than ten minutes prior to being searched, may be released to insure adherence to search time frames. The random pattern shall not be altered unless approved by the Search Operations Commander or designee.

The canine handler shall inform employees, employees of other government agencies, contract employees, contractors and their employees, volunteers, and attorneys or legal organizations as identified in CCR, Title 15 Section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia, that he or she is conducting vehicle searches using passive alert canines and that the purpose of the search is to detect illegal drugs and contraband. Individuals shall be directed not to interact with the canine in any way.

All persons who are employed by the department, employees of other government agencies, contract employees, contractors and their employees, volunteers, and

attorneys or legal organizations as identified in Section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia, who come onto institutional grounds are subject to a search of their person, private property, and vehicles for contraband and illegal drugs before entering or while inside any department facility or department grounds via the use of contraband and/or metal detection equipment and/or electronic drug detectors, including, but not limited to, ION scanners, and passive alert canines, as identified in CCR, Title 15, Section 3410.1(a).

Employees of other government agencies, contract employees, contractors and their employees, and volunteers can refuse to submit to the search; however, refusal shall result in the denial of entry and may lead to exclusion from all CDCR institutions. Attorneys or legal organizations as identified in CCR, Title 15, Section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia, can refuse to submit to the passive alert canine search, however, refusal shall result in the denial of a contact visit. A non-contact visit may be authorized, if available, on the same day. Alternatively, the appointment shall be rescheduled for another day.

No vehicle shall be delayed more than ten minutes prior to being searched. Once the vehicle is directed to the search area, all occupants shall be instructed to exit the vehicle. The driver shall be instructed to leave the vehicle keys on the roof of the vehicle and all occupants shall be instructed to place handbags, wallets, backpacks, briefcases, and all pocket contents in a box provided. The box shall be placed adjacent to the left front tire of the vehicle. All occupants of the vehicle will then be instructed to proceed to the corresponding recorder station, which shall be located in clear view of the vehicle and the content box, and at least twenty feet from the vehicle. Each recorder station shall have a staff member who must identify each person in the vehicle, and if they are an employee who is required to sign a Fair Labor Standards Act (FLSA) form as required per assigned duties, they shall sign the FLSA form and utilize pay code "CIK9" to capture potential overtime caused by the search.

Once all employees, employees of other government agencies, contract employees, contractors and their employees, volunteers, and attorneys are at least twenty feet from the vehicle, the canine handler shall commence a search of the vehicle. Canines shall be kept no less than twenty feet from the individuals being searched at all times. In the case of an alert by the canine, the location of suspected narcotics or contraband shall be indicated to designated search team members. During the search, there shall be no reading of the individuals' personal belongings, such as letters, legal material, address books, or other writings which are in the possession of the individual, and are not reasonably suspected of being contraband.

Passive canine searches of vehicles shall be limited to ten minutes per vehicle. Additional time may be permitted with the search of a larger vehicle (e.g., van, motor home, large truck, etc.) or in the case of a tired or distressed service dog. However,

the total wait time for a passive canine search (which includes the canine vehicle search, and hand search of the vehicle) shall not exceed thirty minutes unless drugs or contraband are discovered.

A passive canine vehicle search of any employee, employees of other government agencies, contract employees, contractors and their employees, volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia, may also be initiated based upon reasonable suspicion.

Positive Canine Alert

If the canine alerts during the vehicle search of an employee, employees of other government agencies, contract employees, contractors and their employees, volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia, search staff shall conduct a hand search of the vehicle for the purpose of locating drugs or contraband.

If no drugs or contraband are discovered in the vehicle, the individual(s) shall be allowed to continue processing into the institution.

In instances where drugs or contraband are discovered in the vehicle or on the person from the vehicle, all occupants of the vehicle, regardless of arrest status, shall be denied entrance into the prison.

Arrests/Citations/District Attorney Referral

Individuals who are searched and found in possession of drugs or contraband on institution property, are subject to arrest as identified in CCR, Title 15, Section 3410.2(d)(6). If an arrest is initiated, those arrested, along with the drugs or contraband discovered shall be turned over to ISU. ISU staff shall maintain proper chain of custody for all drugs and contraband.

Once the pre-booking process (Miranda warning, interviews) has been completed by designated CDCR staff, the arrestee(s) shall be transported by CDCR personnel or by the local police or sheriff's department to a designated detention facility. Arrestee(s) shall not be held at the pre-booking area beyond a reasonable amount of time necessary to complete the process.

The decision to arrest, issue citations, or refer individuals found in possession of drugs or contraband to the District Attorney rests with the ISU Lieutenant or Search Operations Commander, as identified in CCR, Title 15, Section 3410.2(d)(6)(B). In all cases where an employee, employee of other government agencies, contract employee, contractor and/or their employee, volunteer, or attorney or legal organization as identified in CCR, Title 15,

Section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia, is arrested or issued a citation, or both, for committing a criminal act while on institution property, a copy of CDCR Form 837-A, Crime/Incident Report, Part A-Cover Sheet (Attachment D), any arrest reports, and any staff reports documenting the arrest, shall be forwarded to the local District Attorney's office in accordance with existing departmental procedures.

Substance Use Disorder Treatment Program

The Substance Use Disorder Treatment program uses Medication-Assisted Treatment (MAT) which is a California Correctional Health Care Services initiative that uses medication in combination with counseling and behavioral therapies to help inmates address their substance use disorders. Although MAT is currently in effect as part of a separate pilot program, Title 15, Section 3999.22, Medication Assisted Treatment for Substance Abuse Disorders Pilot Program, under the authority of Penal Code Sections 5058.1 and 2694.5, which was implemented at the California Institution for Women and the California Institution for Men, this CIP Pilot Program includes MAT, which is to be part of the drug interdiction program at SATF. The goals of the MAT program are to create a model which addresses the issues of inmate drug and alcohol use in institutions and reduce use risks when inmates are released. Risks upon release include, overdosing on narcotics, relapsing into substance abuse, and engaging in drug related recidivistic criminal activities. To mitigate these risks, treatment before release is essential. MAT requires close integration with ongoing substance use treatment and the Complete Care Model in CDCR facilities, in which all health care needs of inmates, including the inmates' need for substance abuse treatment, are integrated. Capacity will likely vary and increase over the program's period. If demand exceeds capacity at some point, prioritization is given to medical need, risk, other available options (such as medical transfer to another institution where capacity exists), and the likelihood of the program to improve the health of the individual at that point in time.

STAFFING

A total of 41.5 limited term positions will be established for the CIP, as follows:

- 23.9 Correctional Officers for the front entrance strategies and other duties as assigned;
- 10.6 Correctional Sergeants for the front entrance strategies;
- 6.0 Canine Officers; and
- 1.0 Research Analyst II (General).

Mandatory Random Urinalysis Program

As the Department moves forward with the implementation of the CIP Pilot Program at SATF, methods must be established to not only deter drug use, but also measure

the success of the CIP and evaluate the success of specific implemented strategies. In association with the CIP Pilot Program SATF will implement a Mandatory Random Urinalysis Program to randomly test ten percent of the inmate population at SATF monthly.

Testing is in addition to any other testing requirements an inmate may be subject to based on the disposition of a disciplinary hearing, participation in a substance abuse treatment program, or other random selection, mandatory testing lists, and criteria as described in CCR, Title 15, Section 3290, Methods for Testing of Controlled Substances or for Use of Alcohol.

- A computer system has been developed to randomly select a list of inmates to be tested each week to reach the desired 10 percent of the population tested each month at SATF. Lists should be kept confidential in order to reduce inmates' abilities to circumvent the process.

RESEARCH AND EVALUATION

The department shall ensure an assessment of the pilot program is conducted to monitor the implementation and effectiveness of the various components. A Research Analyst will be assigned to monitor the functionality of the identified devices at the pilot institution, and determine which services are beneficial and effective. In addition, CDCR's Office of Research will continue to monitor performance measures to assess the effectiveness of the CIP at SATF. The department will evaluate the feasibility of expanding this program to all 35 adult prisons.

Associate Directors, Division of Adult Institutions
Wardens
Regional Health Care Executives
Chief Executive Officers
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If you have any questions regarding this pilot program, please contact
Bryan Donahoo, Correctional Administrator, General Population Males Mission,
Division of Adult Institutions, at (916) 324-1653 or Bryan.Donahoo@cdcr.ca.gov.



CONNIE GIPSON
Director (A)
Division of Adult Institutions



R. STEVEN THARRATT, M.D., MPVM, FACP
Director
Health Care Operations

Attachments

cc: Ralph M. Diaz
Kathleen Allison
Kenneth Pogue
Diana Toche
Richard Kirkland
Vincent Cullen
Joseph (Jason) Williams
Sandra Alfaro
Jeff Macomber
Jennifer Barretto
Bryan Donahoo

Note: Authority cited: Section 5058, 5058.1, Penal Code. Reference: Section 5058, Penal Code.

Memorandum

Attachment 'A'

Date : June 19, 2013

To : Wardens

Subject: ALLOWABLE EMPLOYEE PROPERTY POLICY

The purpose of this memorandum is to establish Department guidelines restricting the number, size, and types of personal cases/containers and items brought into the security perimeter of correctional facilities, perimeter towers, and all employee job sites on a daily basis (with exceptions as needed for the completion of specialized assignments, such as, Fire Departments, Fire Camps, etc.). This memorandum supersedes previous directives.

Effective immediately, staff may bring in one handbag/purse/tote bag or one lunchbox or igloo type cooler or one backpack. The above listed items shall be plastic or soft sided, the dimensions shall not exceed 16" long, 14" wide, and 12" high, and shall not exceed four storage compartments. A storage compartment is anything that has to be unzipped, unbuttoned or otherwise opened to inspect. Additionally, staff may bring in one of the following items listed below:

- Thermos/beverage container/hydration pack - one gallon maximum capacity, no storage compartments.
- Brief/attaché case (excluding State issued. Personal brief/attaché cases are permitted for managers, supervisors, and professional classifications; i.e., Correctional Counselors, Physicians, and Job Stewards, etc.) - shall not exceed 18" long, 6" wide, and 14" high.

Umbrellas must be compact models and will not be restricted during inclement weather. Golf/beach umbrellas and/or pointed end umbrellas will not be permitted. Umbrellas shall be stored in such a manner to preclude loss, theft, or access by inmates and shall not be used by custody staff while on duty.

Additional drinking water must be in clear plastic containers, each no larger than one gallon. Containers larger than one gallon will require written authorization from the Warden.

All containers (brief/attaché cases, lunchboxes, purses, bags, etc.) and their contents will be thoroughly inspected upon entering and/or exiting the institution's security perimeter.

The following items are not authorized within the security perimeter or on any job site:


- Cellular telephones and/or wireless communications devices (except as approved by the Warden per Department Operations Manual, Section 12070.18).
- iPod/MP3 type players, DVD players and movies, portable gaming devices.
- Tobacco products.
- Personal tools (i.e., multi-tools, knives, metal utensils, glass containers, etc.).
- Non-State issued computers or computer storage drives (i.e., thumb drive, etc.), except as approved by the Warden.

- Duffle bags and wheeled suitcases/briefcases (exceptions include Board of Prison Hearings Representatives, Classification Services Representatives, Administrative and Medical Doctor of the Day as approved by the Warden).

An exemption for personal cellular telephones and/or wireless communications devices may be granted to employees by the Warden for documented, verifiable reasons and for a specific time period. Subject to written approval from the Warden, employees may be permitted to bring work related non-State issued items to their job site.

Please provide a copy of your updated local Operations Procedure that includes allowable employee property to your respective Associate Director.

If you have any questions, please contact your respective Associate Director.


KATHLEEN L. DICKINSON
Director
Division of Adult Institutions

cc: Jeffrey A. Beard, PH.D, Secretary
Martin Hoshino, Undersecretary (A), Operations
Tim Belavich, Director (A), Division of Health Care Services
Chief Executive Officers
M. D. Stainer, Deputy Director, Division of Adult Institutions (DAI)
Vimal Singh, Deputy Director (A), DAI
T. L. Gonzalez, Associate Director, DAI
Ken Clark, Associate Director, DAI
Kelly Harrington, Associate Director, DAI
Jay Virbel, Associate Director, DAI

**CONSENT TO CONDUCT CANINE SEARCH
OF VEHICLE, PERSON, AND PROPERTY**
CDCR 1812 (Rev. 09/18)**Attachment 'B'**

Page 1 of 1

CONSENT TO CONDUCT CANINE SEARCH OF VEHICLE, PERSON, AND PROPERTY

The California Department of Corrections and Rehabilitation (CDCR) has established a comprehensive drug and contraband interdiction program. This program utilizes various drug and contraband interdiction strategies to prevent the introduction of illegal drugs and contraband into CDCR's institutions. Among these strategies is the use of detection canines to search for the presence of illegal drugs and contraband in vehicles, on persons, and in articles of personal property that are brought onto the grounds of our institutions.

Any person coming onto the grounds of any Department facility, camp, or any Department contracted facility, is subject to having their person, vehicle, and articles of property (in their possession) searched. Such inspections shall be made to the degree consistent with the facility's security needs.

Any person who knowingly brings, sends, or assists in bringing or sending contraband into any state prison or any other place where prisoners of the state are located, is guilty of a felony, which is punishable by imprisonment. Contraband includes: any alcoholic beverage, controlled substance, drug, instrument or paraphernalia for the consumption of a drug or controlled substance, deadly weapon, firearm, or explosive.

This notice serves to advise you that your vehicle has been chosen to be searched as part of the Department's drug and contraband interdiction program under the following stipulations:

- You have the right to refuse the search. By exercising this right, you shall be required to remove your vehicle from institution property. You shall not lose the ability to visit on this date, provided you return without the vehicle. If you refuse to participate in the canine vehicle search operation you shall be denied contact visiting, but may be authorized for a non-contact visit, if available on the same day. Staff shall inform visitors of available options based upon the number of refusals occurring within a twelve (12) month period as identified in California Code of Regulations, Title 15, Division 3, Section 3173.2.
- A refusal to be searched as the vehicle driver will not prohibit any passengers from continuing in the visiting process.
- Should you agree to be searched and drugs and/or contraband are discovered, you and all passengers will be subject to arrest.
- You have the right to rescind consent of a canine vehicle search at any time, unless reasonable suspicion has been established (i.e. positive canine alert prior to rescission, discovery of drugs and/or contraband, etc.). Your rescission will be considered a refusal to search and you will be prohibited from visiting this day.

I have read the above search policy and understand the consequences for attempting to transport drugs/contraband onto prison grounds.

☐ **Agree to Vehicle Search**☐ **Decline Vehicle Search**_____
Signature of Driver_____
Date_____
Vehicle License Plate_____
CDCR Supervisor Signature/Title_____
Date_____
Search Location

DISTRIBUTION: White: Visitor Canary: DAI

**CONSENT TO CONDUCT CANINE SEARCH OF VEHICLE,
PERSON, AND PROPERTY (SPANISH)**

CDCR 1812 - Sp (Rev. 09/18)

Attachment 'B'

Página 1 de 1

CONSENTIMIENTO PARA REALIZAR LA BÚSQUEDA CANINA DE VEHÍCULO, PERSONA Y PROPIEDAD

El Departamento de Corrección y Rehabilitación de California (CDCR) ha establecido un programa integral de interdicción de drogas y contrabando. Este programa utiliza varias estrategias de interdicción de drogas y contrabando para prevenir la introducción de drogas ilegales y contrabando en instituciones de CDCR. Entre estas estrategias está el uso de caninos de detección para buscar la presencia de drogas ilegales y contrabando en vehículos, en personas y en artículos de propiedad personal que se llevan a los terrenos de nuestras instituciones.

Cualquier persona que ingrese a los terrenos de cualquier instalación, campamento del Departamento, o de cualquier instalación contratada por el Departamento estará sujeta a la búsqueda de su persona, vehículo y artículos de propiedad. Dichas inspecciones se realizarán en la medida compatible con las necesidades de seguridad de la instalación.

Cualquier persona que a sabiendas traiga, envíe, o ayude a traer o enviar contrabando a cualquier prisión estatal o cualquier otro lugar donde se encuentren los presos del estado es culpable de un delito grave, que se castiga con pena de prisión. El contrabando incluye: cualquier bebida alcohólica, sustancia controlada, droga o instrumento de parafernalia para el consumo de esa sustancia, arma mortal, arma de fuego o explosivo.

Este aviso sirve para avisarle que su vehículo ha sido seleccionado para ser buscado como parte del programa de interdicción de drogas y contrabando del Departamento bajo las siguientes estipulaciones:

- Usted tiene el derecho de rechazar la búsqueda. Al ejercer este derecho, se le solicitará que retire su vehículo de la propiedad de la institución. No perderá la habilidad de visitar en esta fecha siempre que regrese sin el vehículo. Si se niega a participar en la operación de búsqueda de vehículos caninos, se le denegará la visita de contacto, pero se le puede autorizar una visita sin contacto si está disponible el mismo día. El personal deberá informar las opciones disponibles en función del número de rechazos que se produzcan dentro de un período de doce (12) meses como se indica en el Código de Regulaciones de California, Título 15, División 3, Sección 3173.2.
- Negarse de ser registrado por su parte como el conductor del vehículo, no impedirá que los pasajeros continúen en el proceso de visita.
- Si acepta ser registrado y se descubren drogas y / o contrabando, usted y todos los pasajeros estarán sujetos a arresto.
- Usted tiene el derecho de rescindir el consentimiento de una búsqueda de vehículos caninos en cualquier momento a menos que se haya establecido una sospecha razonable (es decir, alerta positiva canina antes de la rescisión, descubrimiento de drogas y / o contrabando, etc.). Su rescisión se considerará como un rechazo a la búsqueda y se le prohibirá visitar este día.

He leído la política de búsqueda anterior y entiendo las consecuencias de intentar transportar drogas / contrabando a la prisión.

☐ **Acepto la búsqueda del vehículo**☐ **Rechazo la búsqueda del vehículo**_____
Firma del Conductor_____
Fecha_____
Placa del Vehículo_____
Firma de Supervisor de CDCR/ Título_____
Fecha_____
Ubicación de Búsqueda

Attachment 'C'

NOTICE OF VISITOR WARNING/TERMINATION/SUSPENSION/DENIAL/REVOCATION

DISTRIBUTION:
ORIGINAL - Visiting File
CANARY - Inmate
PINK - Visitor

| | | | |
|---------------------|------------|-------------|------|
| TO: (Inmate's Name) | CDC NUMBER | INSTITUTION | UNIT |
|---------------------|------------|-------------|------|

REGARDING: (Name of Visitor)

VISITING VIOLATION

ACTION TAKEN (Check the box(es) that apply):

☐ Verbal Warning _____
DATE

☐ Termination For The Day _____
DATE

☐ Written Warning _____
DATE

☐ Other: _____
DATE

DESCRIPTION OF VISITING VIOLATION INCIDENT:

REASON FOR ACTION TAKEN:

Action taken by _____ on _____
PRINT NAME OF OFFICIAL DATE

SIGNATURE OF OFFICIAL

FINAL ACTION TAKEN (If applicable):

☐ One (1) Month Suspension

☐ Six (6) Month Suspension

☐ Three (3) Month Suspension

☐ Twelve (12) Month Suspension

☐ Twenty-four (24) Month Suspension

REASON FOR FINAL ACTION TAKEN:

SIGNATURE OF DIRECTOR / WARDEN / DESIGNEE

(DATE)

The Termination/Suspension/Denial will expire:

☐ on (DATE) _____ after which time you may continue to visit, provided you adhere to all rules and regulations related to visiting within the facility.

☐ on (DATE) _____ after which time you may write a letter to the Warden requesting to have your visiting privileges reinstated. You must also submit a CDC Form 106, Visiting Questionnaire.

Visitors may appeal any action taken above by following the established appeal process outlined in the California Code of Regulations, Title 15, Division 3, Section 3179, Appeals Relating to Visiting.

Attachment C

AVISO PARA EL VISITANTE

ADVERTENCIA/TERMINACIÓN/SUSPENSIÓN/DENEGACIÓN/REVOCACIÓN

DISTRIBUCIÓN

ORIGINAL - Expediente de visitas
COPIA CANARIA - Preso
COPIA ROSA - Visitante

| | | | |
|-----------------------|---------------|-------------|--------|
| A: (Nombre del preso) | NÚMERO DE CDC | INSTITUCIÓN | UNIDAD |
|-----------------------|---------------|-------------|--------|

CON RELACIÓN

VIOLACIÓN DEL VISITANTE

MEDIA TOMADA (Marque todas las casillas que correspondan):

| | | | |
|--|-------|---|-------|
| <input type="checkbox"/> Advertencia verbal | FECHA | <input type="checkbox"/> Terminación por el día | FECHA |
| <input type="checkbox"/> Advertencia escrita | FECHA | <input type="checkbox"/> Otra: | FECHA |

DESCRIPCIÓN DEL INCIDENTE QUE DIO LUGAR A LA VIOLACIÓN:

RAZÓN POR LA QUE SE TOMÓ LA MEDIA:

| | |
|---|-------|
| Medida tomada por | el |
| NOMBRE IMPRESO DEL FUNCIONARIO EN LETRAS DE MOLDE | FECHA |

FIRMA DEL FUNCIONARIO

MEDIA DEFINITIVA TOMADA (si corresponde):

| | |
|--|--|
| <input type="checkbox"/> Suspensión de un (1) mes | <input type="checkbox"/> Suspensión de seis (6) meses |
| <input type="checkbox"/> Suspensión de tres (3) meses | <input type="checkbox"/> Suspensión de doce (12) meses |
| <input type="checkbox"/> Suspensión de veinticuatro (24) meses | |

RAZÓN POR LA QUE SE TOMÓ LA MEDIA:

FIRMA DEL DIRECTOR/PESONA DESIGNADA

FECHA

La terminación/suspension/denegación vencerá:

- ☐ El (FECHA), y a partir de ese momento podrá continuar con sus visitas, siempre y cuando cumpla con todas las reglas y reglamentaciones que rigen las visitas a esta institución.
- ☐ El (FECHA), y a partir de ese momento le puede escribir una carta al Director solicitando permiso para volver a efectuar las visitas. También tendrá que prentar el formulario CDC 106, Cuestionario para visitantes.

Los visitantes pueden apelar cualquiera de las decisiones anteriores siguiendo el proceso de apelación establecido por el Código de Reglamentaciones de California, título 15, división 3, sección 3179, Apelaciones relativas a visitas.

CRIME / INCIDENT REPORT

PART A - COVER SHEET

CDCR 837-A (Rev. 10/15)

Attachment D

PAGE ____ Of ____

INCIDENT LOG NUMBER

INCIDENT DATE

INCIDENT TIME

| | | | | | | | |
|-------------|----------|----------------|---------------|----------|---------|----------|--|
| INSTITUTION | FACILITY | FACILITY LEVEL | INCIDENT SITE | LOCATION | PROGRAM | AD / SEG | USE OF FORCE <input type="checkbox"/> YES <input type="checkbox"/> NO |
|-------------|----------|----------------|---------------|----------|---------|----------|--|

SPECIFIC CRIME / INCIDENT

☐ N/A ☐ CCR ☐ PC NUMBER / SUBSECTION

| | | | |
|---|--|--|---|
| D. A. REFERRAL ELIGIBLE <input type="checkbox"/> YES <input type="checkbox"/> NO | CRISIS RESPONSE TEAM ACTIVATED <input type="checkbox"/> YES <input type="checkbox"/> NO | MUTUAL AID <input type="checkbox"/> YES <input type="checkbox"/> NO | PIO / AA NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO |
|---|--|--|---|

DEATH AND CAUSE OF DEATH

ASSAULT / BATTERY

TYPE OF ASSAULT / BATTERY

☐ N/A☐ N/A☐ N/ASERIOUS
BODILY INJURY

INMATE WEAPONS

FORCE USED

☐ N/A☐ N/A☐ N/A

ESCAPES

☐ N/A

CONTROLLED SUBSTANCE

WEIGHT / In Grams

EXTRACTION

EXCEPTIONAL ACTIVITY

☐ N/A☐ N/A☐ N/A

BRIEF DESCRIPTION OF INCIDENT (ONE OR TWO SENTENCES):

COMPLETE SYNOPSIS / SUMMARY ON CDCR 837-A1

| | | | |
|--|------------|---------------|---------|
| NAME OF REPORTING STAFF (PRINT / TYPE) | TITLE | ID # | BADGE # |
| SIGNATURE OF REPORTING STAFF | PHONE EXT. | INCIDENT SITE | DATE |
| NAME OF WARDEN / AOD (PRINT / SIGN) | TITLE | DATE | |